

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

IN RE: MARK STEPHEN CARPENTER, { CHAPTER 13  
{  
DEBTOR(S) { CASE NO. R19-42032-BEM  
{ JUDGE ELLIS-MONRO

**OBJECTION TO CONFIRMATION**

COMES NOW MARY IDA TOWNSON, TRUSTEE herein, and objects to Confirmation of the plan for the following reasons:

1. The Debtor(s)' payments under the proposed plan are not current.
2. The Debtor(s) has failed to provide the Trustee with a copy of the federal tax return or transcript of such return for the most recent tax year ending immediately before the commencement of the instant case and for which a federal income tax return was filed, in violation of 11 U.S.C. Section 521(e)(2)(A)(i).
3. The Plan as proposed will extend beyond sixty (60) months, contrary to 11 U.S.C. Section 1322(d). (66 months).
4. Pursuant to the proposed plan, the Debtor has a domestic support obligation. Prior to confirmation the Debtor must provide to the Trustee evidence that all payments that have come due since the filing of the petition have been maintained. 11 U.S.C. Section 1325(a)(8).
5. The Debtor(s) has proposed to make payments directly to the Trustee but should be required to have them remitted by payroll deduction.
6. The Debtor(s)' plan does not provide for payment of all of the Debtor(s)' disposable income to the Trustee for thirty-six (36) or more months as required by 11 U.S.C. Section 1325(b)(1)(B).
7. The Chapter 13 petition fails to include debts owed to Child Support Services and Sheena Shields, in violation of Bankruptcy Rule 1007(a)(1) and 11 U.S.C. Section 1325(a)(3).

Mary Ida Townson, Chapter 13 Trustee  
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8. The funding of post-petition mortgage payments has not been maintained in the above-styled Chapter 13 case; thereby, rendering the present budget and proposed Plan infeasible, 11 U.S.C. Section 1325(a)(6).

9. Pursuant to Debtor's testimony, the monthly expense for his mortgage and food are less than that reflected on Schedule J so that the Debtor has \$1,694.00 per month in additional disposable income to contribute to the plan. 11 U.S.C. Sections 1325(a)(3) and 1325(b)(1)(B).

10. The 2016(b) Disclosure Statement and the Chapter 13 plan are inconsistent with regard to the attorney's fees received pre-petition or to be paid in the plan, or both, in violation of 11 U.S.C. Section 329 and Bankruptcy Rules 2016(b) and 2017.

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny Confirmation of this Debtor's (s') Plan and to dismiss the case; or, in the alternative, convert the case to one under Chapter 7.

October 25, 2019

\_\_\_\_\_/s/\_\_\_\_\_

Mary Ida Townson, Attorney  
Chapter 13 Trustee  
GA Bar No. 715063

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R19-42032-BEM

**CERTIFICATE OF SERVICE**

This is to certify that on this day I caused a copy of the foregoing pleading to be served via United States First Class Mail, with adequate postage thereon, on the following parties at the address shown for each:

DEBTOR(S):

MARK STEPHEN CARPENTER  
116 SHAWN LANE  
CHATSWORTH, GA 30705-4912

I further certify that I have on this day electronically filed the pleading using the Bankruptcy Court's Electronic Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

SAEGER & ASSOCIATES, LLC

This 25th day of October 2019

\_\_\_\_\_  
/s/  
Mary Ida Townson, Attorney  
Chapter 13 Trustee  
GA Bar No. 715063

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